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In re Application of:	:	
FUKUDA, Masanobu, et al.	:	DECISION ON REQUEST TO
U.S. Application No.: 10/583,714	:	CORRECT INVENTOR'S NAME
PCT No.: PCT/JP2003/016814	:	
International Filing Date: 25 December 2003	:	
Priority Date: None claimed	:	
Atty Docket No.: 80357(47762)	:	
For: INK AND LAMINATE SHEET	:	

This decision is issued in response to the "Notification Of Spelling Correction Of Inventor's Name" filed 03 November 2008, treated herein as a request to correct a spelling error in one of the inventor's names. No petition fee is required.

BACKGROUND

On 25 December 2003, applicants filed international application PCT/JP2003/016814. The international application did not claim an earlier priority date, and it designated the United States. On 14 July 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 25 June 2006. The published international application identified the second inventor as Tatsuya KOYAMA.

On 20 June 2006, applicants filed a Transmittal Letter requesting entry into the U.S. national stage for international application PCT/JP2003/016814 accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an executed declaration. The declaration identified the second inventor as Tatsuya KOUYAMA.

On 02 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required. The Notification indicated that the declaration filed 20 June 2006 was defective based on the inconsistency in the second inventor's name.

On 03 November 2008, applicants filed a response to the Notification Of Missing Requirements that included the "Notification Of Spelling Correction Of Inventor's Name" considered herein. The submission requests correction of the spelling of the second inventor's

name to KOUYAMA, as set forth in the declaration filed 20 June 2006, and acceptance of the declaration based on such correction.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure (“MPEP”) states the following (emphasis added):

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). **However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.**

Section 605.04(b) of the MPEP states the following (emphasis added):

When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. However, **applicants are strongly encouraged to use an application data sheet such that any patent to issue will reflect the correct spelling of the inventor's name.** Without an application data sheet with the corrected spelling, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

Based on the present submission, the discrepancy between the second inventor's name as listed in the international application (KOYAMA) and in the filed declaration (KOUYAMA) is accepted as resulting from a “typographical or transliteration error” which may be corrected without the need of a petition. Accordingly, the name of record for the second inventor will be corrected to Tatsuya KOUYAMA, as requested.

As noted in the MPEP, it is suggested that applicants submit an Application Data Sheet (ADS) containing the correct spelling of the inventors' names, so as to insure that any patent issued herein will reflect the correct spelling of the inventors' names.

CONCLUSION

Applicants' request to correct the spelling of the second inventor's name is **GRANTED**. The name of record for the second inventor is accepted as Tasuya KOUYAMA, as set forth in the declaration filed 20 June 2006.

Based on the above correction, the declaration filed 20 June 2006 is no longer defective under 37 CFR 1.497. In addition, because such declaration was filed prior to the expiration of thirty months from the priority date, applicants are not required to submit the surcharge set forth in the Notification Of Missing Requirements.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 June 2006.

A handwritten signature in black ink, appearing to read 'nee n', is positioned above the typed name of the signatory.

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